

Chatham County/Cary Joint Issues Committee
August 14, 2009
Jordan Lake Auditorium
Visitors' Center
280 State Park Road
Apex, NC
9:00 AM

Members Present: Co-chair Sally Kost; Co-chair Julie Robison, Members George Lucier, Jennifer Robinson, and Ervin Portman

Cary Staff Present: Ben Shivar, Town Manager; Jeff Ulma, Planning Director; Steve Brown, Public Works and Utilities Director; and Joe Moore, Associate Director of Engineering

Chatham County Staff Present: Charlie Horne, County Manager; Cynthia Van Der Wiele, Director of Sustainable Communities Development; Fred Royal, Environmental Resources Director; Jason Sullivan, Assistant Planning Director; Benjamin Howell, Planner; Sandra B. Sublett, Clerk to the Board; and Elizabeth Plata, Deputy Clerk to the Board

Robison called the meeting to order at 9:12 AM.

The agenda for the meeting follows:

- I. Call to Order
- II. Approval of the Agenda
- III. Approval of the July 14, 2009 Minutes
- IV. Joint Land Use Plan
 - a. Report on the August 10 Chatham Community Meeting
 - b. Discussion and Finalization of Recommendations
 - c. Discussion of September 17 Joint Board Meeting
- V. Recap of Other Issues
 - a. Western Wake Treatment Facility
 - b. Transportation Planning
 - c. Joint Planning with Orange County
 - d. Tax Issues – Revaluation Cycle
 - e. Transfer of Development Rights (TDR) Legislation for Chatham County

Kost asked that the agenda include a discussion of the mitigation air quality (CMAQ) funding of the Cary trailhead parking for the American Tobacco Trail.

Lucier moved, seconded by Portman to approve the minutes and the agenda with the noted request. The motion carried unanimously.

Kost reviewed the meeting of the Cary Land Use Plan held on Monday, August 10th in Chatham County, and reported about 200 citizens participated including members of the Planning Board, Environmental Review Board, and Board of Commissioners.

Cynthia Van Der Wiele provided an update on the preliminary responses that were posed to the citizens. She added that because of the short time frame between meetings, that no analysis has yet been done. The six questions that were asked of citizens are as follows:

1. What places or features typify eastern Chatham County character?
2. Do you have concerns about specific places or features that might be changed for the worse or gone in a decade or generation if something isn't done to protect them?
3. What places or features are a good model for future development here?
4. What kinds of places or features do you dislike and we shouldn't repeat with future development here? (What kinds of development should be avoided in future planning and zoning?)
5. In rural areas, what is the best pattern of development—clustered development in which houses are concentrated in limited areas with fields or forests in the front along the roadways, or large-lot development with houses evenly spread out?
6. Where should commercial (or mixed use) development be located?

Answer to Question #2 dealt with quality of streams and wetlands, preserving farms, and issues regarding water quality. Answers were split regarding roads and traffic.

In answer to Question #3, Van Der Wiele stated that some citizens mentioned having development such as in Denmark, including roads with roundabouts, sustainable farms, and maintaining trees along our roadways. Robinson asked whether it was made clear that Cary is not driving annexation. Development is occurring when people sell their land; that development is being driven by the land owners requesting water and sewer. Cary wants to ensure that if the land develops that there is a plan in place that guides the development.

Kost explained that at the forum, citizens were told that this is a joint plan being driven to protect water quality in Jordan Lake; citizens were assured that the current Town Council has no intention to forcibly annex.

Lucier explained that there were three parts to the citizens' meeting with introductory remarks and background provided by Lucier and Kost, then a break-out session where citizens provided their comments, and finally a questions and answer period.

Van Der Wiele explained that examples that citizens did not want to see repeated were a lot of high density development, town homes, and malls, big box stores and commercial development. Citizens also expressed concerns about lighting, mass grading, erosion, and runoff.

Van Der Wiele explained that answers to Question #5 were split regarding cluster development and high density.

Regarding Question #6 dealing with where commercial should be located, Van Der Wiele explained that most comments stated that commercial development should be located along major roads (751 and 64) and not on the back country roads.

Van Der Wiele explained that citizens were given an opportunity to express general concerns and most of these centered around annexation issues.

Portman stated that the issues centered around rural preservation but wanting jobs, large lots versus clustered development, and commuting to job centers.

Lucier said that the challenge will be how to address the largest concerns and that we will need another meeting of the sub-committee after staff has had time to analyze citizen comments. Robison stated that this is important to the public process.

Kost stated from the citizen comments, that there seemed to be no objection to the five acre lot size. Lucier stated that there were comments supporting ten acre lot sizes.

Lucier asked to see the calculations of density including what has already been annexed by Cary.

The table will be revised to show the statistics of what is already annexed by Cary.

Portman said that Chatham County is a large county and do we really want to have rural open space in areas abutting Chapel Hill and Cary which are highly desirable communities. Lucier explained that there are 12,000 houses already approved but not yet built, and that the Chapel Hill situation is different.

Kost explained that this Board of Commissioners is concerned about economic development but that the citizens living in this joint planning area are not as concerned about jobs and don't likely see the need for a job center.

Portman said that the debate is strong. Some folks want sprawl, but others want cluster development. The question is where we want Chatham County to be in thirty years.

Lucier suggested that we base further discussion on Map #3 which includes the mixed use. The only difference in 2B and 3 is the area designated for mixed use.

Portman stated that many of the concerns by citizens can be addressed through design and development guidelines.

Lucier stated there's no question there should be development at the intersection of 751 and 64. The question is does it make sense to have commercial development at both locations.

Portman stated that he feels this is a good plan. The remaining question is whether we want the blue mixed use area in or out.

Lucier wants more information and data to help determine if it is viable to have commercial centers at 64/751 in the Lewter Shop Road and 751/area. Ulma said you need to have a sufficient number of rooftops to make this work. Plan Option #3 results in about 15,000-20,000 people.

Ulma said that the economic development folks may be willing to come to a subcommittee meeting.

Portman explained that the proximity to the airport, to Cary, to Highway 540 and the benefit of a rural setting is a unique opportunity.

Lucier suggested that we consider a floating node. Robinson said that citizens would rather know the location of commercial. Kost explained that because of the one mile lake protective area boundary, that there are no other location options for a commercial node on 751 other than the Lewter Shop Road location.

Portman said that without mixed use that there will be more pressure on the roads and without mixed use, we may end up with results that we did not want.

Kost asked if there are successful models of what we are talking about. She stated that Carpenter Village seemed to be this type of development but the commercial located a mile down the road. Portman said that Scotts Mille in Apex is a good example.

Van Der Wiele said that we need to consider agriculture in our mixed use, with tenant based agriculture part of the development. Portman liked this idea but was concerned that it would be difficult to shape what type of business is located in the mixed use area.

Kost said that we have other adjustments to make to the maps.

Lucier asked if we are going to invite experts to our meeting to discuss. Portman suggested that Lucier and others meet outside of the subcommittee to get answers to the questions regarding economic viability of mixed use at the Lewter Shop Road location.

It was the consensus of the group that we would need an additional meeting.

Robison suggested that we seek advice from UNC professionals and economic development experts. It was agreed that we would meet independently to get answers to our economic development questions.

The next meeting is scheduled for Monday, August 31 at 12:00 PM to 2:00 PM in Cary.

Kost stated that there is one change that we may want to go ahead and include the 39 acres at the corner of Pittard Sears Road and O'Kelly Chapel to be consistent with what is currently being proposed.

The Chatham Board of Commissioners has stated they have no objection to this annexation as long as the street buffering is done (to which applicant has agreed) and that the land on the west side of Pittard Sears Road will have to provide transition to the larger lots. The plan for this 39 acres is 166 houses. Portman asked that we have a letter from the Board of Commissioners stating our position regarding this annexation.

Ulma explained this is extension of the Del Webb community.

Kost suggested we make the change on this map to this parcel. If the Chatham Board of Commissioners has not taken official action, they will review this request at their September 8th Board of Commissioners' meeting.

Robison said that we have all committed to coming to the August 31st meeting with answers to our outstanding questions regarding economic development.

Robison said we need the update on the A and E, the wastewater treatment plan and the transfer of development rights (TDR). Lucier stated that we would like Cary's support on the TDR issue. The North Carolina Association of County Commissioners strongly supports TDRs although the Homebuilders' Association does not.

Lucier explained that TDRs allow that developers who want higher density in one area could buy land in another part of the county that will be preserved and use the development rights.

Robison asked if this group should make a recommendation on TDRs. It was agreed that we should, and that we need to have this on the August 31st agenda and that we need to be prepared to vote on it.

In terms of the wastewater treatment facility, Robison asked what do we need to discuss. Robison said the Town Council has said they want to use the Harris Lake option, but that the town needs to move forward with both options. The Town will have to pursue both options in parallel until a final decision is made. Robison said that we will need to have help from Chatham County, and that Chatham County needs to discuss this at our September 8th meeting.

Robinson and Kost will work with the managers to find out what information needs to be decided regarding the wastewater treatment facility.

Kost updated on the Congestion Mitigation Air Quality application submitted by the Town of Cary for the trailhead. This project ranked third in the list of 14 projects but only half of the \$445,000 was funded. Kost suggested if there were future projects submitted to the Durham Chapel Hill Carrboro Metropolitan Planning Organization, that transportation staff from Cary attend the staff level meeting.

Robinson adjourned the meeting at 11:00 AM.